

## **REMARKS**

### **INTRODUCTION**

In accordance with the foregoing, claim 10 has been amended. Claims 1, 5 and 22 have been cancelled. Claims 10-16 and 18 are pending and under consideration.

### **CLAIM REJECTIONS**

Claims 1, 5, 10-16 and 18 were rejected under 35 USC 102(b) as being anticipated by Kuroda et al. (US 6,144,625) (hereinafter "Kuroda").

Claim 22 was rejected under 35 USC 102(b) as anticipated by or, in the alternative, under 35 USC 103(a) as obvious over Kuroda.

Kuroda discusses an optical disc discriminating system. In Kuroda, if the tracking servo is in its closed condition and an optical disc D to be discriminated is a DVD-R, the composite signal S PC will be an overlapped signal in which a pulse signal caused due to prepits formed in the land tracks is overlapped on a wobbling signal from groove tracks). On the other hand, if an optical disc to be discriminated is a DVD-RAM, a pulse signal caused due to prepits and in synchronism with the head portion (having prepits) of each recording sector, and a wobble signal from the groove tracks, will be intermittently generated alternatively and periodically. Kuroda, 8:11-8:21.

#### **Claims 1 and 5**

Claims 1 and 5 have been cancelled.

#### **Claims 10-16, 18 and 22**

Amended claim 10 recites: "...the DVD(-) type discs include DVD-RW and DVD-R discs, and the DVD(+) type discs include DVD+RW and DVD+R discs." Support for this amendment may be found in at least claim 22 and paragraphs [0027] and [0028] of the specification of the present application. In the Office Action, the Examiner relies on Official Notice to reject this feature of claim 10. In accordance with MPEP 2144.03(C), the Applicants hereby traverse the use of Official Notice to find that DVD(-) type discs include DVD-RW and DVD-R discs, and DVD(+) type discs include DVD+RW and DVD+R discs. The Examiner relies on paragraphs [0003] – [0005] of the specification as evidence that this feature of claim 10 was readily

verifiable. However, it is respectfully submitted that this section of the specification only divides recordable DVDs into DVD-R/+R type discs and DVD-RW/DVD+RW type discs. A distinction is not made between DVD(-) type discs and DVD(+) type discs in the background section of the present application. In order to fully comply with the guidelines noted in MPEP 2144.03(C), it is further respectfully submitted that the feature of distinguishing between DVD(-) type discs and DVD(+) type discs would not be considered well known or common knowledge because some of these types of discs (DVD-RW, DVD-R, DVD+RW and DVD+R discs) are relatively recent developments. As the present invention, as recited in claim 10, is directed to an apparatus for identifying a disc type, including making the distinction that DVD(-) type discs include DVD-RW and DVD-R discs, and DVD(+) type discs include DVD+RW and DVD+R discs, whereas Kuroda only discusses identifying discs as a DVD-RAM, DVD-R or other, it is respectfully submitted that claim 10 distinguishes over the relied upon prior art.

Claim 22 has been cancelled. Claims 11-16 and 18 depend on claim 10 and are therefore believed to be allowable for at least the foregoing reasons.

Withdrawal of the foregoing rejection is requested.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,  
STAAS & HALSEY LLP

Date: March 27, 2007

By: Gregory W. Harper  
Gregory W. Harper  
Registration No. 55,248

1201 New York Avenue, NW, 7th Floor  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501